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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,982	07/17/2003	Stephan Gropp	GRAT 20.504	2157
26304	7590	08/10/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			HAN, JASON	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,982	Applicant(s) GROPP ET AL.	
	Examiner Jason M Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 4,6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>U.S. Patent 4024388</u> . |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 4 is objected to because of the following informalities: lines 1-8 of the claim are redundant and repeat the limitation found in Claim 1. Appropriate correction is required.
3. Claim 6 is objected to because of the following informalities: it is inherent of Claim 1 whereby "the right headlight (22) and the left headlight (24) respectively are mounted in such a way that they are turned downward around their optical axis... thus causing the outside rims remote from the central headlight (23) to be out of horizontal position." In Claim 6, "The headlights (22,24) laterally adjoining the central headlight (23) are mounted lower than the middle headlight (23) relative to the upright position of the vehicle (1)," renders no further limitation and is redundant of Claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-9, 10, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skoff.

With regards to Claim 1, Skoff discloses a cornering light system for a two-wheeled vehicle that experiences an inclination due to the negotiation of curves when driving. The system comprises of a sensor-controlled correction device for illumination of a curve [Claims 5-8; Figure 10], a central headlight for straight-ahead driving [Figures 2-5], and lateral headlights mounted to the right and left of said central headlight and rotated about their optical axis to compensate for said inclination [Claim 2; Figures 2-5 (11,13); Figures 11-12; Column 5, Lines 53-68; Column 10, Lines 1-11]. Skoff further discloses that said correction device operates such that the central headlight is on during substantially upright driving and, during negotiation of curves, turns on at least either the left or right headlight upon passage through a minimum roll angle [Claim 1; Column 7, Lines 33-39; Column 9, Lines 64-68].

Skoff does not specifically disclose an embodiment of said headlight unit whereby the illumination of left-hand curves and right-hand curves are operated by the right and left cornering headlights respectively, and wherein said cornering headlights are turned downward around their optical axis. The embodiment described by Skoff is just the vice versa and a variant of said configuration, and would be obvious to those skilled in the art that both embodiments perform the same function. Skoff also teaches that "provided the central direction of the beam of each cornering lamp is maintained at the proper angle, the lamps may be affixed to the vehicle in any position consistent with applicable law [Column 7, Lines 14-17]." Therefore, said embodiments are dependent upon the appeal to motorcyclists who would prefer their corner lamps pointing either inwardly or outwardly. To further elucidate, it would be obvious to modify Skoff to

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include a multiple of options with regard to headlamp configurations, specifically one whereby the cornering lamps are pointing inwardly toward the central headlight.

6. With regard to Claims 2 and 3, Skoff teaches that the headlight illumination of the three lamps may be configured in a number of combinations by dimming or dipping means, thereby allowing for one of the cornering lights to be turned on during negotiation of a curve, while the other two headlights are turned off [Column 3, Lines 20-36]. Skoff also mentions that, given the plethora of actuating/manual switches, a specific setup may be attained whereby the lateral headlights are turned on or off before the central headlight is turned off or on respectively [Column 8, Line 5 – Column 9, Line 68].

7. With regards to Claim 4, Skoff discloses “one unique feature of the system is the use of a beam whose centerline and cross section are chosen to permit maximum illumination of the selected areas on the ground when the vehicle is rounding a corner at a tilted altitude [Column 9, Lines 60-64].” In addition to Paragraph 6 above, a configuration may be provided wherein the central headlight is turned on while driving substantially upright and, during the negotiation of curves, turns either the left or right cornering lamp with full illumination power upon passage through a minimum roll angle, while the respective other two headlights remain turned on with relatively low, non-blinding power.

8. With regards to Claim 6, Skoff discloses that the cornering headlights may be laterally adjoining the central headlight and mounted lower than the middle headlight relative to the upright orientation of the vehicle [Column 7, Lines 14-32].

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9. With regard to Claims 7 and 10, Skoff discloses said cornering lamps skewed at an angle pointing upward and away from the vehicle [Figures 2-5; Column 6, Lines 11-16]. As explained in Paragraph 5 above (the differing embodiments are functionally equivalent), such lamps may be rearranged so as to meet the criteria of this limitation, whereby said cornering lamps are skewed toward the middle headlight. Skoff also mentions that said skewed angles are empirically determined according to precise parameters, and are subject to accommodate for variations in embodiment [Column 6, Lines 1-23].

10. With regard to Claims 8 and 15, Skoff teaches, "it has been found advantageous to arrange for the centerline of the beam of each lamp to be positioned so that the projection of the centerline onto the horizontal plane makes an angle of approximately 28°." Skoff discloses that the angle of the optical axis with respect to the horizontal plane is subject to accommodate for variations in embodiment [Column 6, Lines 1-23]. To further note, 'approximately 28°' would appear to meet the limitation of an angle at 30°.

11. With regard to Claims 9 and 16, Skoff provides multiple configurations regarding illumination at various roll angles between 10° and 45° [Column 7, Line 33 – Column 8, Line 4].

12. With regards to Claim 14, Skoff discloses a stabilization device wherein two sensors are used for measuring the negotiation of a curve [Column 8, Lines 55-59].

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skoff as applied to Claim 1 above, and further in view of Ulrich.

With regards to Claim 5, Skoff teaches a cornering light system, but does not disclose such a system wherein a safety circuit turns on the lateral headlights due to a central headlight failure, and vice versa.

On the other hand, Ulrich teaches an electronic control means and method for controlling lights wherein an emergency switch [Figure 1] may be used for said purpose of the safety circuit described. It would have been obvious to modify Skoff with more options and controls for the cornering light system, such as those taught by Ulrich, in order to give more power and appeal to motorcycle enthusiasts. Please further note U.S. Patent 5477208.

14. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skoff as applied to Claim 1 above, and in further view of Sumada et al.

With regards to Claims 11-13, Skoff teaches a cornering light system, but does not disclose such a system in a common headlight housing, wherein the sensor and control unit are installed in or are connected thereto, wherein each of the lamps are equipped with multiple reflectors, and whereby a front lens is provided with dispersion sections. It would have been obvious to modify Skoff to incorporate the above limitations, such as taught by Sumada [Figure 11; Column 5, Line 63 – Column 6, Line 14; see also CLAIMS], in order to produce a simple, low-cost, efficient, and effective illumination system. Please further note U.S. Patent 6390656.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to the current application:

U.S. Patent No. 5975732 to Tabata et al.

U.S. Patent No. 5158352 to Ikegami et al.

U.S. Patent No. 5113319 to Sekiguchi et al.

U.S. Patent No. 4870545 to Hatanaka et al.


U.S. Patent No. 3939339 to Alphen et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH



JOHN ANTHONY WARD
PRIMARY EXAMINER